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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,865	02/15/2001	Jennie Ching	1914P/STL920000089US1	4574

7590

05/06/2004

SAWYER LAW GROUP  
P.O. Box 51418  
Palo Alto, CA 94303

EXAMINER
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FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 05/06/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/784,865

Applicant(s)

CHING ET AL.

Examiner

Jean B Fleurantin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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DETAILED ACTION

*Response to Amendment*

1. Claims 1-15 remain pending for examination.

*Remarks*

2. Applicant's argument on page 4, with respect to claims 1-15 have been fully considered but, have been found persuasive only to the extent that the prior of record does not specifically teach or suggest the limitations "a list of files provided to a remote site from a central site." However, Gayman reference discloses such limitations.

MPEP 2111 Claim Interpretation; Broadest Reasonable Interpretation

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification" Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). The court found that applicant was advocating ... the impermissible importation of subject matter from the specification into the claim. See also In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into

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account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in application's specification.”).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,758,150 issued to Bell (“hereinafter Bell”) in view of US Pat. No. 6,256,673 issued to Gayman (“hereinafter Gayman”).

As per claims 1 and 10, Bell discloses, “a method of synchronizing files between a central site and a plurality of remote sites” as a database synchronization system indicated generally at (10), a plurality of remote database system (120) is connected via communications line (14) to a central database stored on a central, (see col. 3, lines 15-19) comprising the steps of:

(b) “reporting which of the files are missing by each of the plurality of remote sites to the central site” as a database on a remote computer (18) is corrupted during a database transaction the remote computer (18) can access the audit trail files (24) to roll the database back to a stable point free of corruption, (see col. 3, lines 51-63); further, in column 7, lines 2-5, Bell discloses if

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communications line fails during the transfer of flat files (52), in which flat files (52) are saved on the remote computers (18) and are resent by the remote computers; and

(c) "determining within the central site which of the files needs to be sent to each of the plurality of remote sites" as a method for synchronizing the content of a central database stored on a central computer with the content of a remote database stored on a remote computer, processing the contents of the first database of change into a format suitable for transfer to the central database stored on the central computer; restarting the processing of the audit trail files to create a second database of change stored on the remote computer; and transferring the processed contents of the first database of change to the central database stored on the central computer, (col. 7, lines 47-65). Bell does explicitly disclose steps of providing a list of files to the plurality of remote sites by the central site, prior to a callback time of the remote sites. However, Gayman discloses provides a cyclic multicasting of an image file from a central data provider (server) to one or more client machines (workstations) over a computer network, (see col. 11, line 60 to col. 12, line 4). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combined teachings of Bell and Gayman with steps of providing a list of files to the plurality of remote sites by the central site, prior to a callback time of the remote sites. Such modification would allow the teachings of Bell and Gayman to improve the accuracy and the reliability of the method and system for file system synchronization between a central site and plurality of remotes, and to provide a distributing system updates over a computer network, (see col. 1, lines 33-34).

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As per claims 2 and 11, Bell discloses, “utilizes a file system synchronization (FSS) helper application” as a database synchronization system capable of efficiently synchronizing a central database with one or more remote databases during periods of heavy transaction activity on the remote databases and on the central database, (see col. 2, lines 7-10).

As per claims 3 and 12, Bell discloses, “utilizes a file system synchronization remote site operation mechanism” as a database synchronization system capable of efficiently synchronizing a central database with one or more remote databases during periods of heavy transaction activity on the remote databases and on the central database, (see col. 2, lines 7-10).

As per claims 4 and 13, Bell discloses, “utilizes an automated central site operation mechanism” as a database synchronization system capable of efficiently synchronizing a central database with one or more remote databases during periods of heavy transaction activity on the remote databases and on the central database, (see col. 2, lines 7-10).

As per claims 5, 8 and 14, Bell discloses, “wherein the list of files comprises a loadlist”, (see col. 6, lines 39-41).

As per claims 6 and 15, Bell discloses, “wherein each of the files in the loadlist are date and time stamped” as the fields of transaction table include the transaction identification number, start time, end time and completion code for each database transaction made to the databases

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associated with remote computers during the time period covered by the audit trail files (24) processed by migrator application (26), (see col. 5, lines 8-19).

As per claim 7, in addition to claim 1, Bell further discloses, "a central site, the central site including a file system synchronization (FSS) helper application and an automated central site operations (ACSO) mechanism for transmitting the list of files" as a database synchronization system capable of efficiently synchronizing a central database with one or more remote databases during periods of heavy transaction activity on the remote databases and on the central database, (see col. 2, lines 7-10), further, in column 4, lines 25-28, Bell discloses to maintain the synchronization of the central database in central computer (16), database of change (28) of each of remote computers (18) must be transmitted periodically to central computer (16); and

"at least one remote site" (see fig. 1, col. 3, lines 16-19), "the at least one remote site including a file system synchronization remote operating mechanism (FSS RSO)" as a database synchronization system capable of efficiently synchronizing a central database with one or more remote databases during periods of heavy transaction activity on the remote databases and on the central database, (see col. 2, lines 7-10).

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### CONTACT INFORMATION

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B Fleurantin whose telephone number is 703-308-6718.


The examiner can normally be reached on 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John B Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jean Bolte Fleurantin

April 20, 2004

  
SHAHID ALAM  
PRIMARY EXAMINER